

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES,

Plaintiff,

v.

ANTHONY SUAREZ and VINCENT
TABBACHINO,

Defendants.

Criminal Action No.: 09-932 (JLL)

ORDER

Currently before the Court are: (1) a motion by Mr. Suarez to sever his case from that of Mr. Tabbachino, (2) a motion by Mr. Suarez to strike surplusage in the indictment, (3) a motion by Mr. Suarez to compel the Government to immediately produce all discovery required by Rule 16 and Brady, (4) a motion by Mr. Suarez requesting the right, at a future date, to make a motion for a Starks hearing, (5) a motion by Mr. Tabbachino to compel a polygraph of Mr. Dwek, (6) a motion by Mr. Tabbachino to admit the results of his polygraph examination in the trial, (7) a motion by Mr. Tabbachino for discovery of certain items, and (8) a motion by Mr. Tabbachino to sever counts five through seven of the Indictment from counts one to four. The Government also made an application for reciprocal discovery. For the reasons set forth on the record at the July 27, 2010 hearing and in this Court's corresponding Opinion,

It is on this 26th day of August, 2010,

ORDERED that Mr. Suarez's motion to sever his case from that of Mr. Tabbachino is DENIED; and it is further

ORDERED that Mr. Suarez's motion to strike surplusage in the indictment is DENIED without prejudice to Mr. Suarez to re-submit the application no later than ten days prior to trial.

Mr. Suarez must include, with any renewed application, a proposed summary of the case to be read to the jury in lieu of providing the jury with a copy of the indictment; and it is further

ORDERED that Mr. Suarez's motion to compel the Government to immediately produce all discovery required by Rule 16 and Brady is GRANTED; and it is further

ORDERED that Mr. Suarez's motion requesting the right at a future date to make a motion for a Starks hearing is DENIED without prejudice; neither party shall file any additional motions without prior leave of this Court; and it is further

ORDERED that Mr. Tabbachino's motion to compel a polygraph of Mr. Dwek is DENIED; and it is further

ORDERED that Mr. Tabbachino's motion to admit the results of his polygraph examination in the trial is DENIED; and it is further

ORDERED that Mr. Tabbachino's motion for discovery of certain items is MOOT; and it is further

ORDERED that Mr. Tabbachino's motion to sever counts five through seven of the Indictment from counts one to four is GRANTED; and it is further

ORDERED that the Government's motion for reciprocal discovery is GRANTED. The defendants must begin providing all of their reciprocal discovery upon receipt of the Government's production of text messages of Mr. Dwek during three meetings between Mr. Dwek and one or both of the defendants; and it is further

ORDERED that the Clerk shall terminate Defendants' motions (CM/ECF Nos. 24, 26).

/s/ Jose. L. Linares

UNITED STATES DISTRICT JUDGE